

**REMARKS**

Claims 1-18 are pending in this application. By this Amendment, claims 1 and 10 are amended. The amendments introduce no new matter. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The Office Action, in paragraph 3, rejects claims 1 and 10 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Office Action states that it is not clear what the "retrieval condition", "attribute of the object" and "identifier" in the claims are. This rejection is respectfully traversed.

These terms are adequately described in the application as filed (see, e.g., pages 2, 3, 7, 8 and 13 and Figs. 2, 3, 7 and 8). Further, the terms are not inherently vague or indefinite. Rather, these terms are capable of understanding based on standard claim construction. Accordingly, reconsideration and withdrawal of the rejection of claims 1 and 10 under 35 U.S.C. §112, second paragraph, is respectfully requested.

The Office Action, in paragraph 4, objects to claims 1 and 10 because "'the object matching' is not clearly is that it is 'when matching or upon matching.'" The quoted term is taken improperly out of context of the claim. The term refers to the object matching the retrieval condition. Withdrawal of the objection to the claims is respectfully requested.

The Office Action, in paragraph 5, rejects claims 1 and 10 under 35 U.S.C. §101 as lacking a tangible result. The amendments to claims 1 and 10 obviate this rejection by providing that access control is performed in response to an access request. The access request can be directed to a variety of objectives that are achieved or denied via the access control (see, e.g., page 6, lines 18-20 and pages 9-12).

Accordingly, reconsideration and withdrawal of the rejection of claims 1 and 10 under 35 U.S.C. §101 is respectfully requested.

The Office Action, in paragraph 8, rejects claims 1-18 under 35 U.S.C. §103(a) as begin unpatentable over U.S. Patent Application Publication No. 2002/0120858 A1 to Porter et al. (hereinafter "Porter") in view of U.S. Patent No. 5,926,824 to Hashimoto. This rejection is respectfully traversed.

Porter does not teach, nor can it reasonably be considered to have suggested, all the features attributed to it by the Office Action. Further, the combination of Porter and Hashimoto is unreasonable.

The Office Action concedes that Porter does not teach defining a retrieval condition for retrieving an object, the retrieval condition being defined based on at least one attribute of the object. As such, the Office Action's previous assertion that Porter teaches a method comprising the steps of setting an access right in association with the retrieval condition lacks proper basis. In other words, Porter does not teach, nor can it reasonably be considered to have suggested, setting an access right in association with a retrieval condition as claimed. Rather, the access control to the stored documents in Porter is based on access rights assigned to the document.

At least claim 1 recites defining a retrieval condition for retrieving an object, the retrieval condition being defined based on at least one attribute of the object, and setting an access right in association with the retrieval condition. Aspects of an embodiment of such a system are depicted in Fig 2 of the disclosure.

Porter teaches a substantively different process, depicted in Figs. 9a, 9b and 10, that lacks the features of the pending claims. Specifically, Porter teaches a retrieval condition being used to identify one or more documents. The user's access to each of these documents is then individually verified by the separate security subroutine (see paragraph [0083] of Porter). This subroutine references the access rights of the document, that were set when the document was created, against an access control entry/list (see paragraph [0075]). As such,

the "access right" to any given document is necessarily set before the retrieval condition is set. It cannot reasonably be considered that the access right in Porter is set in association with the retrieval condition. The access right is set by the document creator, irrespective of future generated retrieval conditions.

Further, the Office Action has not provided sufficient motivation for combining Porter and Hashimoto. Specifically, the Office Action asserts that "[o]ne having ordinary skill in the art would have found it motivated to utilize the use of setting retrieval condition for retrieving an object stored in the database based on the attribute of the stored object as disclosed...into the system of Porter for the purpose of having permission rights to access to the document matching the retriever's access right, thereby, helping to be easy for retrieving a document in accordance with attributes of a document construction more efficient." This assertion is incorrect for at least the following reasons.

Porter already addresses matching the retriever's access right with that of the document, but not in the manner proposed in the pending claims. As discussed above, Porter teaches verifying the user's access to each of the documents matching a search criteria before providing access to the documents (see paragraphs [0082]-[0084] of Porter). As such, the Office Action's purported motivation to combine the references, for the "purpose of having permission rights to access to the document matching the retriever's access right", lacks basis. Further, modifying Porter in the manner suggested would improperly change the principle of operation disclosed in Porter.

Finally, the conclusory statements regarding obviousness to combine Porter and Hashimoto do not meet the articulated standard for proving that there is a teaching, suggestion or motivation in the prior art to combine these references in the manner suggested by the Office Action. The Federal Circuit recently reaffirmed its prior holdings asserting that "rejections on obviousness grounds cannot be sustained by mere conclusory statements;

instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, Appeal No. 04-1616, March 22, 2006 (Fed. Cir.) (quoting *In re Lee*, 277 F.3d 1338, 1343-46 (Fed. Cir. 2002), and *In re Rouffet*, 149 F.3d 1350, 1355-59 (Fed. Cir. 1998)). This standard is not met here.

MPEP §2143.01 instructs that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP §2143.01 further instructs that "[a]lthough a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.'" *See also In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Applicant respectfully submits that the rejection of at least independent claims 1 and 10 is improper in view of at least MPEP §2143.01 because the Office Action lacks the required specific objective evidence of a teaching, suggestion or motivation in the prior art for one of ordinary skill to combine these references in the manner suggested.

For at least these reasons the applied prior art references can not reasonably be considered to teach, or to suggest, the combinations of all the features recited in independent claim 1 and 10. Additionally, claims 2-9 and 11-18 are also not taught, nor would they have been suggested, by the prior art references for at least the respective dependence of these claims directly or indirectly on independent claims 1 and 10, as well as for the separately patentable subject matter that each of these claims recites.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

James E. Golladay, II  
Registration No. 58,182

JAO:JEG/jeg

Date: August 3, 2006

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--